

**Staff
Summary
Report**



**To: Mayor & City Council
Through: City Manager**

**Agenda Item Number 35
Meeting Date 06/20/02**

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: HEIDI GRAHAM, SR. ENGINEERING ASSOC., LAND SERVICES

REVIEWED BY: NEIL MANN, DEPUTY PW MANAGER/CITY ENGINEER (350-8250)

BRIEF: This is the **second** public hearing for the partial abandonment of a waterline easement at the proposed QuikTrip site, located at 1106 E. Broadway Road.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2002.19** This is the second public hearing for the partial abandonment of a waterline easement for QuikTrip, 1106 E. Broadway Road. The easement was dedicated per Spanos Subdivision plat, recorded in Book 223 of Maps, Page 41, Maricopa County Records. No waterline facilities exist within the easement. QuikTrip is requesting to clear the encumbrance from the property. (This is the second waterline easement abandonment request for this site; the first abandonment was adopted by Ordinance No. 2002.14.)

Document Name: (20020620PWDR01) Supporting Documents: Yes

SUMMARY: The waterline easement to be partially abandoned is recorded in Spanos Subdivision plat, recorded in Book 223, Page 41 of Maricopa County Records. Staff supports the abandonment of the easement.

RECOMMENDATION:

That the City Council hold public hearings and adopt Ordinance No. 2002.19 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2002.19

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, PARTIALLY ABANDONING A WATERLINE EASEMENT RECORDED PER SPANOS SUBDIVISION PLAT, BOOK 223, PAGE 41, MARICOPA COUNTY RECORDS, LOCATED AT 1106 E. BROADWAY ROAD, IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST, G&SRB&M.

WHEREAS, it has been determined by the City Council of the City of Tempe that a portion of a certain easement which was intended for a waterline is no longer required by the City for use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon a portion of said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish and vacate a portion of a certain easement which was intended for a waterline as described and delineated on EXHIBIT "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in that easement to be partially abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

SECTION IV. That the Mayor or his designee is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 2002.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Legal Description Waterline Easement Abandonment

That portion of waterline easement dedicated within the West 335 feet of Lot 4, Spanos Subdivision, as per Book 223 of Maps, Page 41, recorded in the Office of Records, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the intersection of the South line of said Lot 4, with the West line of the East 130.00 feet of said Lot 4.

Thence North 00 degrees 03 minutes 31 seconds West, along said West line, a distance of 336.00 feet to the **POINT OF BEGINNING**;

Thence along the boundaries of the aforementioned waterline easement and the aforementioned Lot 4, on the following described courses:

North 89 degrees 57 minutes 25 seconds West, a distance of 302.49 feet;

Thence North 00 degrees 03 minutes 31 seconds East, a distance of 30.00 feet;

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 12.00 feet;

Thence South 00 degrees 03 minutes 31 seconds West, a distance of 13.00 feet;

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 190.57 feet;

Thence North 00 degrees 02 minutes 35 seconds East, a distance of 13.00 feet;

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 12.00 feet;

Thence South 00 degrees 02 minutes 35 seconds West, a distance of 13.00 feet;

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 39.00 feet;

Thence North 00 degrees 02 minutes 35 seconds East, a distance of 13.00 feet;

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 12.00 feet;

Thence South 00 degrees 02 minutes 35 seconds West, a distance of 13.00 feet;

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.

EXHIBIT A

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 36.93 feet;

Thence South 00 degrees 03 minutes 31 seconds West, a distance of 17.00 feet to the POINT OF BEGINNING;

Encompassing 5,610 square feet, or 0.13 acres, more or less.

And also;

Commencing at the intersection of the South line of said Lot 4, with the West line of the East 130.00 feet of said Lot 4.

Thence North 00 degrees 03 minutes 31 seconds West, along said West line, a distance of 213.00 feet to the POINT OF BEGINNING;

Thence along the boundaries of the aforementioned waterline easement and the aforementioned Lot 4, on the following described courses:

North 89 degrees 57 minutes 25 seconds West, a distance of 66.00 feet;

Thence North 00 degrees 02 minutes 35 seconds East, a distance of 12.00 feet;

Thence South 89 degrees 57 minutes 25 seconds East, a distance of 66.00 feet;

Thence South 00 degrees 03 minutes 31 seconds West, a distance of 12.00 feet to the POINT OF BEGINNING;

Encompassing 792.00 square feet, or 0.018 acres, more or less.

See Exhibit "A" attached hereto and made a part hereof.



Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

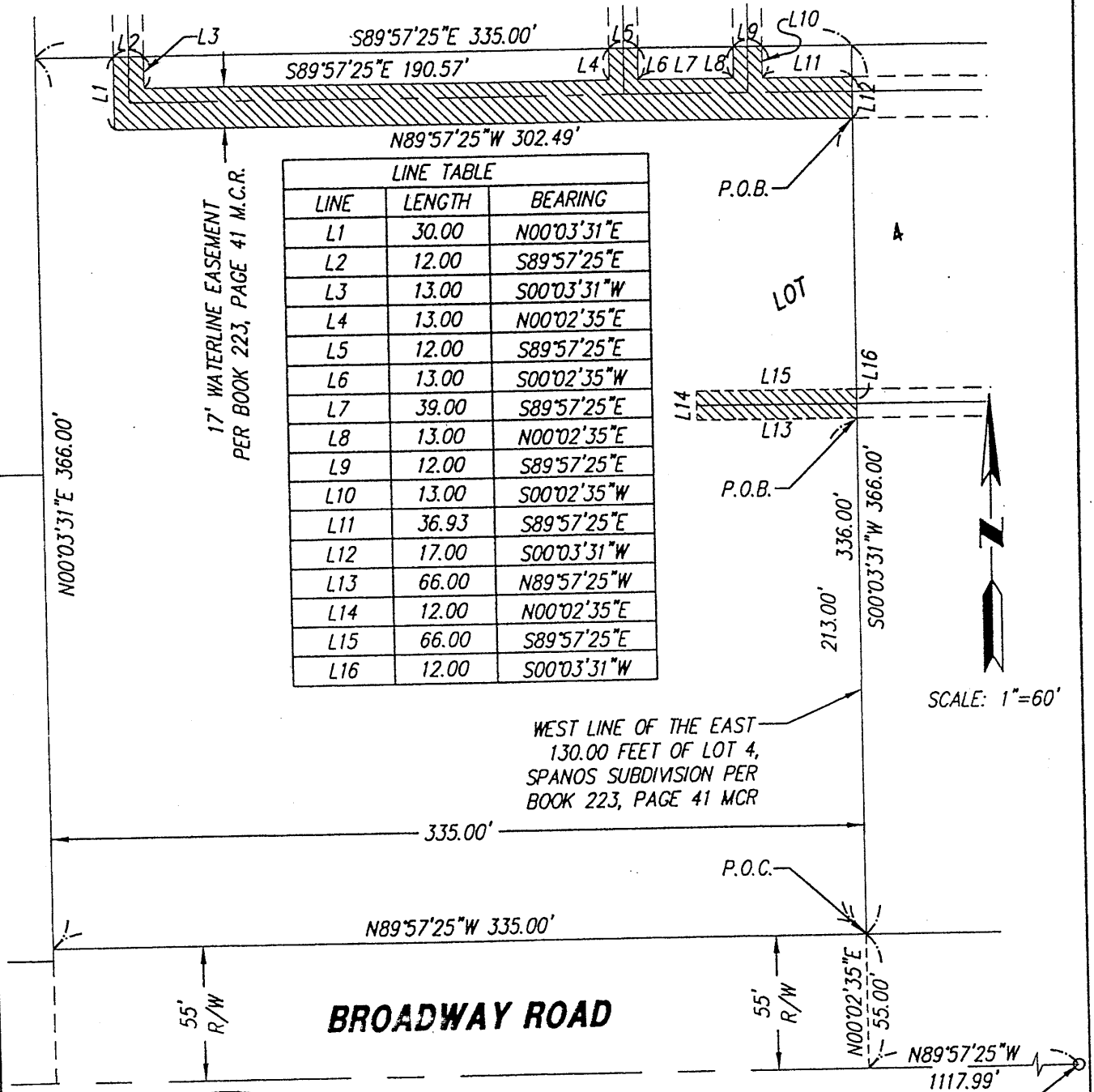
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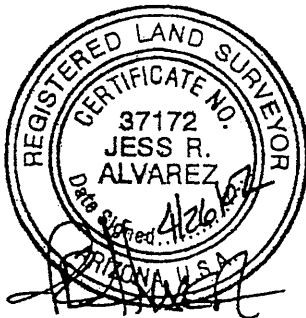
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WATERLINE ABANDONMENT

EXHIBIT A-1



LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	N00°03'31"E
L2	12.00	S89°57'25"E
L3	13.00	S00°03'31"W
L4	13.00	N00°02'35"E
L5	12.00	S89°57'25"E
L6	13.00	S00°02'35"W
L7	39.00	S89°57'25"E
L8	13.00	N00°02'35"E
L9	12.00	S89°57'25"E
L10	13.00	S00°02'35"W
L11	36.93	S89°57'25"E
L12	17.00	S00°03'31"W
L13	66.00	N89°57'25"W
L14	12.00	N00°02'35"E
L15	66.00	S89°57'25"E
L16	12.00	S00°03'31"W



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